

REMARKS

This amendment is submitted in response to the Office Action dated July 28, 2005. Applicants have amended the claims to overcome the Examiner's rejection under 35 U.S.C. §101. No new matter has been added, and the amendments place the claims in better condition for allowance. The discussion and arguments provided below reference the claims in their amended form.

I. CLAIMS REJECTIONS UNDER 35 U.S.C. § 101

In the present Office Action, the Examiner has rejected Claims 18-21 under 35 U.S.C. § 101 for non-statutory subject matter. Applicants have amended the claims to comply with the recommendation of the Examiner, and Applicants thank the Examiner for his attention to detail.

II. CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

In the present Office Action, Claims 2-5, 10-13, and 18-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,832,350 to Bates, *et al.* (*Bates '350*). Likewise, Claims 2-5, 10-13, and 18-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0040311 by Douglass, *et al.* (*Douglass*). Applicants respectfully traverse the Examiner's rejections, because specific recited features are absent from both *Bates '350* and *Douglass*.

A. Applicant's Exemplary Claim 3 recites "the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page".

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *R.C.A.*

Corp. v. Applied Data Systems, Inc., 730 F.2d 1440, 221 U.S.P.Q. 385 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.* 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983). As articulated above, the legal standard for a § 102 rejection requires that the reference teach each element recited in the claims. In the present Office Action, the Examiner has alleged that Applicants' invention is disclosed by each of *Bates* '350 and *Douglass*. As will be shown below, neither *Bates* '350 nor *Douglass* teaches that "the step of searching the page for keywords further comprises the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page". Applicant respectfully submits that, because neither *Bates* '350 nor *Douglass* teaches "the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page", neither *Bates* '350 nor *Douglass* anticipates Applicants' present invention.

i. Claim Rejection under 35 U.S.C. § 102(e) for Anticipation by *Bates* '350

With respect to the foregoing step of exemplary Claim 3, the Examiner states:

Bates '350 disclosed organization and effective categorization of bookmarks... The system determined "affinity" between bookmarked documents based on keywords from the document. See, *inter alia*, Column 2, Lines 65 through Column 3, Line 20. The system described both the use of HTML metadata tag information (*inter alia*, Column 3, Lines 20-23) and without use of metadata, Column 3, Lines 29-31, and Column 11, Lines 31-34).

Applicants respectfully submit that the cited passages in *Bates* '350 do not disclose that "the step of searching the page for keywords further comprises the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page" as specifically claimed in exemplary amended Claim 3.

Applicants have examined each of the cited portions of *Bates* '350. In Column 2, Lines 65 through Column 3, Line 31, *Bates* '350 discloses:

The invention addresses these and other problems associated with the prior art by providing an apparatus, program product, and method that organize bookmarks for hypertext documents by determining a mutual affinity by one or a plurality of shared characteristics. These affinities allow the bookmark list to be dynamically organized to serve as a basis for restructuring an existing bookmark list and/or to facilitate keeping bookmarks current.

The new capabilities of organizing and maintaining the bookmark list are based on determining bookmark affinities in a number of manners consistent with the invention. The bookmark record itself, or the hypertext document accessible by the bookmark, may provide these characteristics.

Examples of characteristics from which affinities can be made include first the storage location address, often a Universal Resource Locator (URL), that will show that the two hypertext documents share a related path. Second, the hypertext document referenced, often formatted in Hypertext Markup Language (HTML), may contain additional storage locations addresses or URL's that are the same as in a second hypertext document. Third, the content of each hypertext document can be scanned for non-trivial words and a count made of the shared words. Fourth, hypertext documents may have descriptions that are accessed, e.g., via an embedded tag such as an HTML meta tag that is often used by Internet search engines in performing searches. In typical usage, information within a meta tag is not displayed by an Internet browser, although displayed information may also be a basis for determining affinity. These shared keywords can be a basis for an affinity.

When these characteristics or others are compared individually or in combination, a determination of an affinity can be made. This determined affinity then allows new bookmarks to be associated with existing bookmarks and grouped in a bookmark list. Moreover, an existing set of bookmarks can be assessed for affinities to reorganize or otherwise update a bookmark list.

In this passage, *Bates* '350 refers to keywords when stating, "These shared keywords can be a basis for an affinity." In the foregoing passage of *Bates* '350 'these keywords' are defined by stating that "hypertext documents may have *descriptions that are accessed, e.g., via an embedded tag such as an HTML meta tag* that is often used by Internet search engines in performing searches. In typical usage, information *within a meta tag* is not displayed by an Internet browser, although displayed information may also be a basis for determining affinity." *Bates* '350 clearly relies on keywords derived from a meta tag, while Claim 3 recites automatically generating keywords from page content (e.g., in

determining bookmark affinity as described at Step 408 and page 13, paragraph 35 of Applicants' application).

Likewise, in Column 11, Lines 31-34, *Bates '350* discloses:

It should be appreciated that the routine 216 could also be accomplished in parallel processing of all of the tests. A subset of these tests could be performed or completely different characteristics could be evaluated. Moreover, the individual criteria and testing procedure for each of these characteristics could be incorporated in this routine, but it is broken out to simplify the illustration.

Applicants respectfully submit that this last cited text of *Bates '350* makes no reference to "the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page". Applicants have further examined each instance of the word 'keyword' in the text of *Bates '350* and have found no reference to the generation of keywords, other than those, such as "Its meta tag is scanned for keywords in block 230" (Column 11, Lines 3-4), which refer to keyword extraction from a metatag. Applicants respectfully submit that *Bates '350* does not anticipate Applicants' amended exemplary Claim 3 because Applicants' recited feature of "the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page" is entirely absent from the cited reference. Both Applicants' recited feature of reacting to the absence of keyword metadata and Applicants' recited feature of automatically generating the keyword data from content are absent from *Bates '350*.

ii. Claim Rejection under 35 U.S.C. § 102(e) for Anticipation by *Douglass*

In the §102 rejection in view of *Douglass*, the Examiner states:

Douglass disclosed the automatic extraction of keywords/metadata from visited bookmarked webpages, and user modification of these descriptive keyword(s). See, *inter alia*, Figure 1 and Page 2, Paragraphs [0020] through [0028]. Clearly, keyword fields were defined to designate particular keywords for the page(s) in the "Keyword Library" and storage of relevancy ratings. See, *inter*

alia step (26) and (40). The automatic generation of keywords for documents was disclosed as performed, inter alia, in step (30). Since Douglass disclosed the processing of navigation history (not user designated) and/or bookmarks (necessarily user designated) to effect keyword generation and ratings for webpages in paragraph [0024] and figure 6, the provision for keyword generation to documents specified by the user to be of interest was clearly disclosed.

After careful review of Douglass, Applicants respectfully submit that the cited passage in *Douglass* does not disclose that “the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page” as specifically claimed in exemplary amended Claim 3.

In particular, Paragraphs [0020] through [0028], of *Douglass* disclose:

[0020] The method 10 includes the following steps. In a first step 26, **a user enters keywords 14 [emphasis added]** (including provision for whole-word matches and case-sensitivity) into a Project Properties Dialog 28 for the project 20 associated with a client or theme (such as "Keywords" 20), thus forming a "Keyword Library" 16 which is saved in association with the PBB file. In a second step 30, the words(s), phrase(s) or symbol(s) of visited documents 12 such as HTML, text, and XML pages (including such documents non-visible text such as meta-tags, URLs and email addresses) are scanned for words, phrases or symbols that match keywords 14 stored in the current project's Keyword Library 16. In a third step 32, a computer processor (on a PC on which the software is running) applies calculation logic stored in the method 10 to automatically calculate statistics and/or relevancy ratings 24 based on keywords 14 found in the document 12 (using algorithms for frequency, location, density, proximity, Autorank and matches, for example). In an optional fourth step 34, statistics and/or ratings 24 are presented in visual form, such as in via bar graph display 36 (shown in FIG. 4). In a fifth step 40, relevancy ratings 24 and detected keywords 22 are stored as in a data field of a bookmark structure 42 (shown in FIG. 6) which includes visited URLs, and they may at any time be viewed or sorted/ordered based on a selected ratings style. For example as shown in FIG. 6, the bookmark structure 42 is organized by descending relevancy. Thus, users are provided with the tools to re-visit, find, and refer to documents that are more relative to the project at hand. In an optional sixth step 44, **the user may re-display the Project Properties Dialog 28 and modify the keywords 14 [emphasis supplied]**. In an optional seventh step 46, if a modification is made, ratings and statistics are automatically recalculated and updated in the bookmark structure 42 based on the latest contents of the keyword library 16.

[0021] In the fourth step 34, statistics may be presented in six or more ratings

styles (including a custom system), each providing visited documents with a rating between 0 and 100% (e.g., ratings 24 of FIG. 6). These ratings styles reflect the relevancy of visited web documents 12 to the current project 20. At any point, users may change their selection of a ratings style (by for example, right clicking the rating 24 and selecting from a menu of rating styles, to view updated ratings for displayed bookmarks and URLs. A mix or ratings styles maybe selected for similarity with the (unpublished) ratings mechanisms of several popular search engines (Alta Vista, Excite, Hotbot, Infoseek and Lycos).

[0022] Referring now to FIG. 5, in a feature of the invention, when bookmarking a page, users can optionally extend the existing project keyword library 16 with additional terms.

[0023] In another feature of the invention, users have the ability to optionally specify their own rating 50 of how relevant a URL is to a project 20 when bookmarking or revisiting a bookmarked page.

[0024] Referring no to FIG. 4, a screen shot of a browser GUI 48 is shown displaying a sample web page 12 visited during a project-based browsing research session. Users may at any time view the auto-detected keywords 22 in a document 12 through any of three or more ways, 1) via a hint activated caption 52 displaying all matches found and frequencies; 2) via a custom find dialog accessible through clicking on the find tab 54; 3) via a navigation history and/or bookmark list, such as that shown in FIG. 6, where auto-detected words and ratings are stored for each URL visited.

[0025] In the first means for viewing auto-detected keywords 22, the caption 52 displays auto-detected keywords in a document 12, each keyword 14 matched being displayed alongside the frequency it occurred and an indication of whether the keywords are visible or not (the fact that a keyword is hidden may be noted with the symbol "h", after the number representing the frequency). Any selection of keywords 14 may be made, whereby only those selected are searched for, the selected keyword being highlighted in red 56 or italicized. This feature allows users to efficiently navigate to the location of found keywords 22 in a document 12, enabling a quicker assessment of its relevancy. To further make keywords easier to locate, each match is highlighted with, say, a black background, enabling quick identification of relevant sections even when scrolling through the document, thus eliminating having to read every word.

[0026] Referring now to FIG. 3, a schematic of the method 10 of the invention is shown. In a first step 60, the keyword library 16 and the contents of the visited document 12 are input into a keyword search engine 62. In a second step 64, the number of matches and frequency counts are calculated. In a third step 66, the visited pages 12 are rated using a variety of rating styles. In a fourth step 70, the matches and ratings are made available for display at the command of the user, the user being able to define the rating style for the rating of the visited page 12.

[0027] Each of the rating styles supported are loosely derived from actual search engines used by World Wide Web users to retrieve Web documents given keywords. Each factor considered when rating a page is defined below (the following not intended to provide a complete list of factors, only the more important ones).

[0028] Meta-data: Indicates that the rating system searches meta-data of a Web page. A Web page will rank higher if any keywords specified occur in any of this data (i.e., URL, Title & Meta-tags).

As indicated by the emphasis supplied to the preceding quotation, *Douglass* relies on keywords entered by the user and does not disclose that “the step of searching the page for keywords further comprises the browser client automatically generating a group of keywords based on the content of the page. Furthermore, *Douglass* does not disclose generating keywords “responsive to discovering an absence of keywords within metadata for the page” as specifically claimed in exemplary amended Claim 3.

Applicants have further examined each instance of the word ‘keyword’ in the text of *Douglass* and have found no reference to the generation of keywords, other than user entry, such as is discussed above. Applicants respectfully submit that *Douglass* does not anticipate Applicants’ amended exemplary Claim 3 because Applicants’ recited feature of “the browser client automatically generating a group of keywords based on the content of the page responsive to discovering an absence of keywords within metadata for the page” is entirely absent from the cited reference. Both Applicants’ recited feature of reacting to the absence of keyword metadata and Applicants’ recited feature of automatically generating the keyword data from content are absent from *Douglass*.

B. Applicants’ arguments apply broadly.

The arguments made with respect to exemplary Claim 3 also apply to Claims 2, 4, and 5, which depend from and patentably distinguish exemplary Claim 3. Further, the arguments made herein apply to claims 10-13, and 18-21, which recite a system and computer program product, respectively.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to overcome the Examiner's rejections under 35 U.S.C. § 101, and Applicants have addressed the art cited by the Examiner in his rejection under 35 U.S.C. §102. Because the amendments and arguments overcome the §§ 101 and 102 rejections, respectively, Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Brian F. Russell
Reg. No. 40,796
Dillon & Yudell LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)